

CITY COMMISSION MEETING AGENDA

CITY COMMISSION / MUNICIPAL COURT ROOM
518 MECHANIC, EMPORIA, KS
March 4, 2020 at 1:30 pm

1. Members present: Mayor Giefer

<u>Vice Mayor Gilligan</u>	<u>Commissioner Geitz</u>
<u>Commissioner Smith</u>	<u>Commissioner Brinkman</u>
<u>City Manager McAnarney</u>	<u>City Clerk Sull</u>
<u>Asst. City Mgr. Massey</u>	<u>City Attorney Montgomery</u>
2. Consent Agenda
3. Public Comment
4. Consider Approval of 2020 Kansas Parks & Wildlife Parks and Tourism Annual Operations Maintenance Assurance Agreement.
5. Appoint Member to Emporia Convention & Visitors Advisory Board.
6. Appoint Members to the Building Trades Board.
7. Consider Bids for One New Solid Waste Truck.
8. Consider Bids for New Police Vehicles.
9. Award Bid for the 2020 Hazardous Sidewalk Program.
10. Consider Accepting a General Utility Easement for the City of Emporia.
11. Conduct Public Hearing for Issuance of Industrial Revenue Bonds for the Emporia Downtown Redevelopment Group, LLC project.
12. Consider Approval of a Resolution Authorizing the City of Emporia, to Exempt Certain Property Acquired with Proceeds of Industrial Revenue Bonds.
13. Consider Ordinance for Cargill Project Tax Exemption.
14. Report from City Manager on Activities.
15. City Commission Reports and Comments.



**If you need accommodations due to a disability to participate in this event, meeting, or activity, or alternative format of written materials contact City of Emporia Jeff Lynch, ADA Coordinator at least 48 hours before the event at 620-343-4285 or jlynch@emporia-kansas.gov*

AGENDA ITEM SUMMARY

MEETING DATE: March 4, 2020

Consent Agenda

SUBJECT:

Consent agenda:

The items listed on the Consent Agenda are considered by the Governing Body to be routine business items.

Approval of the items may be made by a single motion, second and majority vote with no separate discussion of any item listed. Should a member of the Governing Body desire to discuss any item, at his/her request, it will be removed from the Consent Agenda and considered separately.

- a. Consider minutes of the Regular Meeting held on February 19, 2020.
- b. Consider ratification of Payroll Ordinance for the period ending on February 28, 2020.

RECOMMENDATION:

- a. Approve Minutes
- b. Approve Payroll

BACKGROUND SUMMARY:

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: March 4, 2020

ITEM NUMBER: 3

SUBJECT: Public Comment

RECOMMENDATION:

BACKGROUND SUMMARY:

Citizen Appearance Procedures

Presentations by individuals during "Citizen Appearance" portion of the Commission agenda shall be limited two minutes each. No personal attacks, comments or opinions shall be expressed or made against or about any member of the Commission, Mayor, City Employee, individual group or corporation.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: March 4, 2020

ITEM NUMBER: 4

SUBJECT: Consider the approval of the 2020 Annual Operation and Maintenance Assurance agreement with Kansas Department of Wildlife, Parks and Tourism.

RECOMMENDATION: Approve the Agreement

BACKGROUND SUMMARY:

The City of Emporia has worked with the Kansas Department of Wildlife, Parks, and Tourism for several projects which include projects in Jones Park, David Traylor Zoo and C of E Park. The approval of this agreement is required on an annual basis.

Attached is a copy of the agreement.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

KANSAS DEPARTMENT OF WILDLIFE, PARKS & TOURISM
512 SE 25th AVENUE
PRATT, KS 67124

2020 ANNUAL OPERATION AND MAINTENANCE ASSURANCE STATEMENT
Land & Water Conservation Fund (LWCF)

Whereas, **City of Emporia** has received financial assistance from the Land & Water Conservation Fund for the following project(s):

NPS Project No.

20-00162

20-00632

20-00657

Project Title

Jones Recreation Park

Concession/Restroom Development

D/C of E Park Improvement

The subgrantee does hereby assure that it:

1. will not convert any portion of a project area to other than public outdoor recreation use through sale, lease, easement, construction of non-outdoor recreation facilities or by any other means without prior approval and replacement of the converted property. (see Section 6(f)(3) of the LWCF act) A "project area" will generally include all or any outdoor recreation area which has received LWCF assistance;
2. will not install any overhead electric or telephone lines on project areas;
3. will maintain the project area and facilities in a safe, attractive, and inviting manner;
4. will maintain sanitary facilities in accordance with local/state health standards;
5. will make reasonable and prompt repairs on facilities funded with LWCF throughout their estimated lifetime to prevent undue or premature deterioration;
6. will keep facilities open for public use during reasonable hours of the day and times of the year;
7. will permanently display a LWCF sign (symbol) at all project areas;
8. will comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975;
9. will not change, by addition or deletion, any structural features of facilities without prior review and approval of the Kansas Department of Wildlife, Parks & Tourism and the National Park Service.
10. will submit any new development plans for the project site to Kansas Department of Wildlife, Parks & Tourism prior to development, and all required permitting from the State Historical Preservation Office and all environmental approvals must be sent to Kansas Department of Wildlife, Parks & Tourism for their files.

City of Emporia

Project Sponsor

*** I certify that I have the authority to sign for this project sponsor ***

Date: _____

Signature: _____

Printed Name: _____

Title: _____

AGENDA ITEM SUMMARY

MEETING DATE: March 4, 2020

ITEM NUMBER: 5

SUBJECT: Consider Appointment of board member to the Emporia Convention & Visitors Advisory Board.

RECOMMENDATION: Approve

BACKGROUND SUMMARY:

The Emporia CVAB has one opening an interview was conducted. The following applicant is being recommended for appointment to the CVAB.

Matthew C. Fowler

ACTION RECORD

Action: _____

Motion: _____ Second: _____

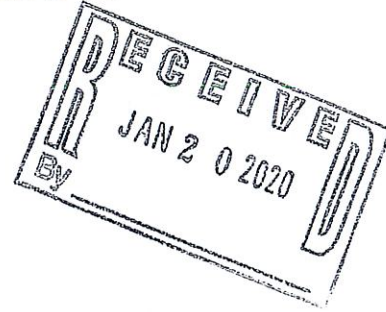
Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____



APPLICATIONS FOR BOARDS & COMMISSIONS

 Applicants

 Trash



APPLICATION FOR ADVISORY BOARD MEMBERSHIP

DATE: 01/20/2020

NAME: Matthew C Fowler
First Name MI Last Name

ADDRESS: 1010 Topeka
Street
Emporia KS 66801
City State ZIP

Email: mattcfowler@gmail.com

PHONE: 6203440275

PLACE OF EMPLOYMENT: Emporia Public Schools

HOW LONG HAVE YOU BEEN A RESIDENT OF EMPORIA? 26 Years

ADVISORY BOARD(S) YOU ARE INTERESTED IN:
EMPORIA-LYON COUNTY CONVENTION AND TOURISM COMMITTEE (CVB)

**BRIEFLY DESCRIBE WHY YOU WOULD LIKE TO PARTICIPATE ON THE
ADVISORY BOARD(S) MENTIONED ABOVE:**

I request to be considered for a vacancy on the Convention and Tourism Committee. Growing up as a lifelong resident of Emporia I understand and have witnessed the many wonderful things a community working together can achieve and I feel it is my turn to contribute to this board. My background in media production and social media branding are just a few of my strengths and interests that I believe will benefit the group.

OTHER ACTIVITIES AND INTERESTS:

- Flint Hills Optimist Club
- Cycling - Gravel Guru
- Emporia High E-Vision Advisor
- Former Disc Golf Broadcaster

AGENDA ITEM SUMMARY

MEETING DATE: March 4, 2020

ITEM NUMBER: 6

SUBJECT: Consider three (3) applicants for membership to the Buildings Trade Board.

RECOMMENDATION: To approve membership of Shawn Garriott (Master Electrician), Carl Richardson (Master Plumber), and K.C. Crist (Master Mechanical) to the Building Trades Board to represent their specific field on the board.

BACKGROUND SUMMARY:

The Building Trades Board lost seven (7) members at the end of last year due to term limits and is in need of qualified board members representing their contracting field. The Building Trades Board is specific in our requirements to be a board member as each trade must be represented by a master tradesman, such as mechanical, electrician and plumber.

Attachments

- Applications to fill three positions.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

Master Electrician



APPLICATION FOR ADVISORY BOARD MEMBERSHIP

NAME: Shawn Garriott

ADDRESS: 509 East 6th

PHONE: 620 344 0743

PLACE OF EMPLOYMENT: Western Electrical

HOW LONG HAVE YOU BEEN A RESIDENT OF EMPORIA? Life

ADVISORY BOARD(S) YOU ARE INTERESTED IN:

- 1) Electrical
- 2) _____
- 3) _____
- 4) _____

BRIEFLY DESCRIBE WHY YOU WOULD LIKE TO PARTICIPATE ON THE ADVISORY BOARD(S) MENTIONED ABOVE:

I feel that with over 30 years of electrical
expertise I can offer not only field knowledge
but financial and company experience as well.

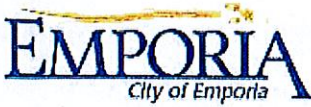
OTHER ACTIVITIES AND INTERESTS:

SIGNATURE: 

DATE: 01-28-2020

Please mail to the City Manager's Office, PO Box 928, Emporia, KS 66801-0928

Master Plumber



APPLICATION FOR ADVISORY BOARD MEMBERSHIP

NAME:

CARL RICHARDSON

ADDRESS:

2515 Willow Ln

PHONE:

620-344-1068

PLACE OF EMPLOYMENT:

SELF

HOW LONG HAVE YOU BEEN A RESIDENT OF EMPORIA?

50 yrs

ADVISORY BOARD(S) YOU ARE INTERESTED IN:

- 1) TRADES
- 2)
- 3)
- 4)

BRIEFLY DESCRIBE WHY YOU WOULD LIKE TO PARTICIPATE ON THE ADVISORY BOARD(S) MENTIONED ABOVE:

OTHER ACTIVITIES AND INTERESTS:

SIGNATURE:

Carl Richardson

DATE:

1-30-20

Please mail to the City Manager's Office, PO Box 928, Emporia, KS 66801-0928

Master Mechanical



APPLICATION FOR ADVISORY BOARD MEMBERSHIP

NAME:

K.L. CRIST

ADDRESS:

1306 GRAND ST / P.O. BOX 685 Emporia, KS 66801

PHONE:

620-343-0889

PLACE OF EMPLOYMENT:

Air Conditioning Specialists

HOW LONG HAVE YOU BEEN A RESIDENT OF EMPORIA?

51 Years

ADVISORY BOARD(S) YOU ARE INTERESTED IN:

1)

Mechanical BTB

2)

3)

4)

BRIEFLY DESCRIBE WHY YOU WOULD LIKE TO PARTICIPATE ON THE ADVISORY BOARD(S) MENTIONED ABOVE:

Because I live in Emporia, and have spent most my life in the mechanical-electrical trades

OTHER ACTIVITIES AND INTERESTS:

SIGNATURE:

K.L. Crist

DATE:

29 JAN 2020

Please mail to the City Manager's Office, PO Box 928, Emporia, KS 66801-0928

AGENDA ITEM SUMMARY

MEETING DATE: March 4, 2020

ITEM NUMBER: 7

SUBJECT: Consider Bids for One New Solid Waste Truck.

RECOMMENDATION: Purchase the 2020 Crane Carrier LET 2-30 with a New Way Sidewinder automated packer body from Eliot Equipment Company for the purchase price of \$233,995.00

BACKGROUND SUMMARY:

This will be a replacement for a side load (automated) packer body and chassis. We will be trading in a 2010 Crain Carrier with a 2010 LaBre side load body (#310) The trade-in unit has 67,038 miles and 14,000 hours on it .

Attached is a Bid tabulation and recommendation from the Solid Waste Manager.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

BID TABULATION FOR SIDE LOAD PACKER TRUCK

2/25/2020

Vendor	Chassis Make Model	Body Make Model	Bid Price	Trade-in Values of old Truck #310	Total Cost
Downing Sales & Service 3 Indigo Road Phillipsburg, MO	2020 Crane Carrier LET-2	2020 Curbtender Hammer Pac	\$263,350.00	\$30,000.00	\$233,350.00
Downing Sales & Service 3 Indigo Road Phillipsburg, MO	2020 Crane Carrier LET-2	2020 Bridgeport Ranger	\$263,802.00	\$30,000.00	\$233,802.00
Downing Sales & Service 3 Indigo Road Phillipsburg, MO	2021 Mack LR42R	2020 Curbtender Hammer Pac	\$246,471.00	\$30,000.00	\$216,471.00
Key Equipment 6716 Berger Ave. Kansas City 656111	2020 Crane Carrier LET-2	2020 Labrie Automiser	\$288,545.00	\$12,000.00	\$276,545.00
Eliot Equipment 14001 Botts Rd. Grandview, MO 64030	2020 Crane Carrier LET-2	2020 New Way Sidewinder	\$263,995.00	\$30,000.00	\$233,995.00
Armor Equipment 450 N Lindenwood Olathe, KS	No Bid				
Truck Component Services 816 S.W. 33 rd Street Lee Summit, MO. 64082	No Bid				

There is \$275,000.00 budgeted for this purchase.

TO: Tim Frevert/ Purchasing Agent
FROM: Keith Senn/Solid Waste Manager
REF: Automated Side-load Truck Purchase
DATE: 02/26/2020

The Solid Waste Division is scheduled to replace a 2010 Crane Carrier automated truck with a Labrie automated packer body. This truck is used to service residential and commercial trash carts. \$275,000.00 was budgeted for this purchase in 2020.

The bid opening was conducted at 2:00 p.m. on Tuesday, February 25, 2020. A total of 5 bids were submitted by 3 different vendors. Low bid was from Downing Sales of Phillipsburg, MO on a 2020 Mack LR42R truck with a 2020 Heil Curbtender Hammer Pak packer body.

Staff is unfamiliar with the Curbtender Hammer Pak packer body. Staffs understanding is the packing system has just recently been offered by Curbtender. Additionally, Downing Sales could not offer a demonstration of the packer body until April. There are no local authorized shops offering service to Mack engines. As a result, staff is not recommending the purchase of the low bid unit or the Curbtender packer body offered by Downing Sales.

The Sanitation Collections Fleet currently operates 3 Crane Carrier/New Way units as offered by Elliot Equipment of Grandview, MO. 8 of 9 trucks in the current fleet are Crane Carrier. Both the Crane Carrier truck and the New Way packer body have proven to be reliable units. Elliot Equipment has provided satisfactory service and parts availability to the Collections Department for 7 years.

Staff recommends the purchase of the 2020 Crane Carrier LET 2 with a New Way Sidewinder automated packer body from Elliot Equipment Company of Grandview, MO for the purchase price of \$233,995.00.

AGENDA ITEM SUMMARY

MEETING DATE: March 4, 2020

ITEM NUMBER: 8

SUBJECT: Consider Bids for Three New Police Vehicles.

RECOMMENDATION: Award 3 new 2020 Ford Interceptor all-wheel drive utility police vehicles for a total of \$103,140.00 to John North Ford.

BACKGROUND SUMMARY:

The old Police cars that will be replaced with the new ones will be transferred down to other departments in order to get as extended life as possible from each vehicle. The City has disposed of trade-in vehicles earlier this year through Purple Wave Auctions, and plan to do the same next summer.

The 2020 budget for replacing 3 police patrol vehicles is \$162,300.00.

Following is a bid tabulation for this purchase:

POLICE CARS 2020 BID TABULATION

	Year/Make	Cost Each	Total for 3 cars
John North Ford	2020 Ford Interceptor		
3002 W. 50 HWY	AWD Utility	\$34,380.00	\$103,140.00
Emporia, KS. 66801	AWD Utility Hybrid	\$37,531.00	\$112,593.00
Emporia Motors	2020 Dodge Durango		
2815 W HWY 50	AWD Utility	\$32,330.00	\$96,990.00
Emporia, KS 66801	AWD Utility Hybrid	\$32,330.00	\$96,990.00 **
Longbine Auto			
3012 W HWY 50			
Emporia, KS 66801	No Bid		

* Dodge does not make a hybrid Durango. There was an error by Emporia Motors in submitting the bid.

Attached is a memo of recommendation from Interim Chief, Edward Owens.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

Memo



To: Mark McAnarney, Lane Massey, Tim Frevert
From: Edward P. Owens
Date: 02-27-2020
Subject: 2020 Police Vehicle Bids

The 2020 CIP budget to purchase and equip three police vehicles was approved for \$162,000.00.

Bids were offered to three local dealerships. Two dealerships, John North Ford and Emporia Motors submitted bids for your consideration. The bids are competitive with respect to the Police Department needs for patrol vehicles.

Emporia Motors submitted bids on their 2020 Dodge Durango Police Package. The bid was \$32,300.00 for any vehicle, ie: rear wheel drive and all wheel drive on both hybrid and fuel engine vehicles. The delivery date was set at 120 days after receipt of order.

John North Ford submitted two bids. The first is the all wheel drive Police Package SUV Interceptor for \$34,380.00 with a delivery date between 90 to 120 days after receipt of order. The second bid is all wheel drive Police Package Interceptor Hybrid SUV for \$37,531.00. It to has a delivery date between 90 to 120 days after receipt of order.

The Police Department patrol division consists of AWD Ford Interceptor SUV's. We respectfully request that we continue the use of those vehicles as they have been reliable and the performance has been above exceptional. We would also request for this year's budget to allow our department to purchase three AWD Ford Interceptors at the quoted price of \$34,380.00 X 3 for a grand total \$103,140.00 leaving \$58,860.00 to equip all three vehicles. The reason for this request is our department has not had time to test and evaluate the Hybrid Interceptors since they were not delivered in a timely fashion. It is our hope to evaluate the Hybrid SUV during this budgetary time frame and give each you and the commission a favorable update on any fuel cost savings and reliability of that vehicle.

Thank you for your consideration,

A handwritten signature in black ink that reads "Edward P. Owens". The signature is written in a cursive style with a long, sweeping underline.

Edward P. Owens, Interim Chief of Police.

AGENDA ITEM SUMMARY

MEETING DATE: March 4, 2020

ITEM NUMBER: 9

SUBJECT: Consider Awarding a Bid for the 2020 Hazardous Sidewalk Program.

RECOMMENDATION: It is staff's recommendation to award the 2020 Hazardous Sidewalk project to Emporia Construction & Remodeling, Inc.

BACKGROUND SUMMARY:

At 2:00 p.m. on Tuesday, February 25, 2020, the City Engineer's Office publicly opened bids on the 2020 Hazardous Sidewalk Project. The bid received is intended for setting unit prices for each individual project line item. Bid totals were achieved by multiplying these unit prices with our initial estimated quantities from the list of individual site work projected for the 2020 Hazardous Sidewalk program. The following is the total for the bid received and the Engineer's estimate.

Contractor	Base Bid
Emporia Construction & Remodeling, Inc.	\$59,256.00
Engineer's Estimate	\$54,200.00

The 2020 Hazardous Sidewalk Program is budgeted at \$75,000.00. Additional locations and quantities will be added to this contract throughout this year. The program also allows the homeowner the option to hire their own bonded contractor to replace their sidewalk at these set unit prices.

Attached is the complete project bid tabulation sheet for the base bid.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

**CITY OF EMPORIA, KS
BID TABULATION
FOR 2020 HAZARDOUS SIDEWALK PROJECT**

2/25/2020

			Emporia Construction & Remodeling, Inc.		CITY ENGINEERS	
Quantity Base Bid	Units	Description	Unit	Emporia, KS Total	Unit	ESTIMATE Total
100	S.F.	4" SIDEWALK (0-100 SF)	\$10.00	\$1,000.00	\$9.00	\$900.00
1,200	S.F.	4" SIDEWALK (101-250 SF)	\$7.90	\$9,480.00	\$7.50	\$9,000.00
2,800	S.F.	4" SIDEWALK (251+ SF)	\$7.30	\$20,440.00	\$6.50	\$18,200.00
600	S.Y.	6" SIDEWALK	\$8.20	\$4,920.00	\$7.50	\$4,500.00
320	S.F.	6" REINF. SIDEWALK	\$9.30	\$2,976.00	\$8.50	\$2,720.00
50	Hr.	MISC. SITE WORK	\$50.00	\$2,500.00	\$45.00	\$2,250.00
90	L.F.	CURB & GUTTER R&R	\$60.00	\$5,400.00	\$55.00	\$4,950.00
30	S.Y.	HANDICAP RAMP (WARNING PANEL)	\$320.00	\$9,600.00	\$300.00	\$9,000.00
10	S.Y.	HANDICAP RAMP (NO PANEL)	\$240.00	\$2,400.00	\$220.00	\$2,200.00
60	L.F.	SAW CUTTING	\$9.00	\$540.00	\$8.00	\$480.00
TOTAL AMOUNT OF BASE BID:				\$59,256.00		\$54,200.00

AGENDA ITEM SUMMARY

MEETING DATE: March 4, 2020

ITEM NUMBER: 10

SUBJECT: Consider Accepting a General Utility Easement for the City of Emporia.

RECOMMENDATION: City staff recommends the City Commission accept the general utility easements for construction and maintenance of utilities within said easement.

BACKGROUND SUMMARY:

Residents of Hammond Heights have requested gas service to the portion of their addition that abuts Hammond Park. Kansas Gas Services is requesting a 20-foot Utility Easement on City Park property.

Attached is a copy of the general utility easement, prepared by GeoTech, Inc., of which conveys authority for construction and maintenance of utilities within its described boundaries.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

EXHIBIT A

REPORT OF SURVEY

PROPOSED GENERAL UTILITY EASEMENT:

The West Twenty Feet of Lots 8 through 27, inclusive, of Organ's Subdivision to the City of Emporia, Lyon County, Kansas.

LEGEND:

- ⊗ -1/2"x24" Rebar w/PS752 ID Cap Set
- -1/2" Rebar w/752 ID Cap Found
- -#4 Rebar Found
- -3/4" Iron Pin Found
- -Gas Pipe Found
- × -Position Determined Not Monumented

PRIOR SURVEY BY S. BROSEMER,
RECORDED IN VOL 413 AT PAGE 168,
1984 IN THE REGISTER OF DEEDS
OFFICE.

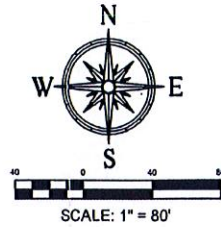
SE CORNER OF
HAMMOND HEIGHTS

(10.34')

20' GENERAL
UTILITY
EASEMENT

HAMMOND HEIGHTS

STATE STREET



Reviewed by the County Surveyor this _____ day of _____, 2019.
This survey has been reviewed for filing, pursuant to K.S.A. 58-2005 and K.S.A. 58-2011 for
content only and is in compliance with those provisions. No other warranties are extended or
implied.

County Surveyor of _____ County, Kansas

Certification:

State of Kansas)
County of Lyon) ss

This is to certify and acknowledge that I, Steven S. Brosemer, a licensed Land Surveyor in said County and State, did prepare this report under my direct supervision. Unless otherwise noted, this report and survey does not certify to ownership, easements and/or restrictions of record. Further, that certain corner locations may have been determined but not physically marked as shown.

NOTE: This document is not original unless the
signature and date are blue ink.

CLIENT: KANSAS GAS SERVICE



GeoTech, Inc. 115 W. 5th AVENUE, EMPORIA, KS 66801 (620)342-7491 FAX: (620)342-6722	PROJECT #: 19303-02.dwg	FIELD DATE: 01/07-01/21/2020	DRAWN BY: BH	SHEET(S) 1 OF 1
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AGENDA ITEM SUMMARY

MEETING DATE: March 4, 2020

ITEM NUMBER: 11

SUBJECT: Conduct a Public Hearing for Issuance of Industrial Revenues Bond for the Emporia Downtown Redevelopment Group, LLC project.

RECOMMENDATION: Conduct Public Hearing

BACKGROUND SUMMARY:

In accordance with Kansas Statutes, the City of Emporia is required to give public notice and conduct a public hearing in conjunction with the granting of a tax exemption with the granting of a tax exemption related to issuance of Industrial Revenue Bonds. The public notice has been sent to the other governmental agencies and a notice has been published in the Emporia Gazette.

A copy of the public noticed is attached for your review.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

(Published in the *Emporia Gazette* on February 18, 2020)

NOTICE OF PUBLIC HEARING FOR
ISSUANCE OF INDUSTRIAL REVENUE BONDS AND
GRANTING AN AD VALOREM TAX ABATEMENT

In accordance with K.S.A. 12-1749d, as amended, public notice is given that the governing body of the City of Emporia, Kansas (the "City") will conduct a public hearing in connection with the granting of a tax exemption related to the proposed issuance by the City of Emporia, Kansas of its Industrial Revenue Bonds, in one or more series, in an aggregate principal amount of not to exceed \$4,800,000. The public hearing will be on Wednesday, March 4, 2020, at 1:30 p.m., or as soon thereafter as possible, in the City Commission meeting room at City Hall, 522 Mechanic, Emporia, Kansas 66801. The Bonds are proposed to be issued by the City in the estimated amount not exceeding \$4,800,000 to finance the costs of purchasing, acquiring, constructing, furnishing and equipping (1) a mixed use building to be known as the Roosevelt Plaza & Lofts, consisting of 1 or 2 commercial suites and seventeen (17) loft style apartments, totaling an estimated 17,571 square feet, at 1102 Commercial Street; and (2) a three story building to be known as The Legacy Lofts, consisting of thirty (30) loft style apartments, totaling an estimated 23,265 square feet, at 1101 Mechanic Street (collectively, the "Project").

The Bonds, which will make the Project eligible for an accompanying ad valorem property tax exemption, are proposed to be issued under authority of K.S.A. 12-1740 to 12-1749d, as amended. The proposed Project will be leased by the City to Emporia Downtown Redevelopment Group, LLC, a Kansas limited liability company. A copy of this notice and the resolution of intent relating to the proposed financing is on file in the office of the City Clerk and is available for public inspection during normal business hours.

In the event the Bonds are not issued for any reason, the City of Emporia, Kansas, shall not be deemed to have assumed or incurred any liability or obligation to Emporia Downtown Redevelopment Group, LLC, or any other party by virtue of any proceedings or actions taken in connection with such Bonds.

All persons having an interest in this matter will be given an opportunity to be heard at the time and place specified.

The governing body of the City will not take action authorizing the issuance of such Bonds or approving the accompanying tax abatement until the passage of seven (7) days from the date this Notice is published in the official city newspaper of the City of Emporia, Kansas, and until the public hearing is concluded.

CITY OF EMPORIA, KANSAS

By: /s/ Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: March 4, 2020

ITEM NUMBER: 12

SUBJECT: Consider the approval of a Resolution authorizing the Governing Body of the City of Emporia, Kansas to exempt certain property acquired with proceeds of Industrial Revenue Bonds.

RECOMMENDATION: Approve the Resolution.

BACKGROUND SUMMARY:

The Emporia City Commission previously approved Resolution No. 3604 on February 21, 2018 indicating its intent to issue Taxable Industrial Revenue Bonds in the approximate amount of \$4,300,000.00 for the Roosevelt Plaza & Lofts and the Legacy Lofts. This Resolution authorizes the approval of items purchased with the Industrial Revenue Bonds to be tax exempt for up to ten years.

A copy of the Resolution is attached for your review.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

TRIPLETT, WOOLF & GARRETSON, LLC

RESOLUTION NO. _____

OF THE

GOVERNING BODY

OF THE

CITY OF EMPORIA, KANSAS

RELATING TO AD VALOREM PROPERTY TAX ABATEMENT
IN CONNECTION WITH NOT TO EXCEED

\$4,750,000
TAXABLE INDUSTRIAL REVENUE BONDS
SERIES 2020
(EMPORIA DOWNTOWN REDEVELOPMENT GROUP, LLC)

RESOLUTION NO. ____

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS APPROVING AN AD VALOREM PROPERTY TAX EXEMPTION FOR PROPERTY ACQUIRED WITH THE PROCEEDS OF CERTAIN INDUSTRIAL REVENUE BONDS AND AMENDING RESOLUTION NO. 3604 OF THE CITY.

WHEREAS, the governing body of the City of Emporia, Kansas (the "City") desires to promote, stimulate and develop the general economic welfare and prosperity of the City, and further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas; and

WHEREAS, pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the "Act"), and all acts amending or supplementing the same, the City is authorized to issue revenue bonds of the City; and

WHEREAS, pursuant to Resolution No. 3604 of the City adopted on February 21, 2018, the City indicated its preliminary intent to issue certain Industrial Revenue Bonds in an aggregate estimated principal amount of \$4,300,000 with such bonds to be issued pursuant to the Act to finance costs incurred in connection with purchasing, acquiring, constructing, furnishing and equipping (1) a mixed use building to be known as the Roosevelt Plaza & Lofts, consisting of 1 or 2 commercial suites and seventeen (17) loft style apartments, totaling an estimated 17,571 square feet, at 1102 Commercial Street; and (2) a three story building to be known as The Legacy Lofts, consisting of thirty (30) loft style apartments, totaling an estimated 23,265 square feet, at 1101 Mechanic Street (collectively, the "Project"); and

WHEREAS, the City's interest in the Project will be leased to Emporia Downtown Redevelopment Group, L.L.C. (the "Tenant"); and

WHEREAS, since the adoption of Resolution No. 3604, Project costs have exceeded the estimated amount stated therein and the City finds it necessary to amend Resolution No. 3604 to state the estimated principal amount of the Bonds to be \$4,750,000 and to correct a typographical error in the addresses of the Project; and

WHEREAS, the City has caused a notice of its consideration of the issuance of the Bonds and the accompanying ad valorem property tax abatement on the Project to be published in the official City newspaper at least seven days prior to the date of this Resolution and has notified Lyon County, Kansas and Unified School District No. 253 in writing of its intent to consider the ad valorem tax abatement, as required by statute; and

WHEREAS, the City has caused a cost benefit analysis to be prepared in connection with its consideration of ad valorem property tax abatement on the Project, which cost benefit analysis includes an analysis of the effect on state revenues; and

WHEREAS, the City conducted a public hearing on the ad valorem property tax exemption, and all persons present were given an opportunity to be heard; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS:

Section 1. Amendment of Resolution No. 3064. Section 1 of Resolution No. 3604 adopted by the governing body of the City on February 21, 2018, is hereby amended by (a) replacing said Section 1 with the following Section 1:

SECTION 1. The City finds and determines the acquisition, construction and equipping of the Project will promote, stimulate and develop the general welfare and economic prosperity of the City through the promotion and advancement of commercial development of the City and the City intends and is authorized to finance the Project and issue the Bonds in the approximate principal amount of \$4,750,000 to further the public purposes of the Act; and (b) the third paragraph of Resolution No. 3604 beginning with the word "WHEREAS" is amended to correct and replace the address "1105 Mechanic Street" with "1101 Mechanic Street".

SECTION 2. Tax Exemption. The City intends that the Project acquired with the proceeds of the Bonds be 100% exempted from ad valorem property taxation for a ten-year period commencing the year after in which the Bonds are issued in accordance with Kansas law; provided proper application is made to and such exemption is ultimately granted by the Kansas Board of Tax Appeals, or other administrative body then having jurisdiction over such matters.

Section 3. Special Assessments. Any special assessment levied against the real property portion of the Project, if any, shall not abate and shall continue to be the obligation of the Tenant, payable in the manner provided by law.

Section 4. Approval of Exemption. This Resolution is conditioned on the issuance by the Board of Tax Appeals of the State of Kansas of an order exempting the Project from *ad valorem* taxation in accordance with Kansas law, including particularly K.S.A. 79-201a *Second* or K.S.A. 79-201a *Twenty-Fourth*.

Section 5. Other Actions Required. The Mayor and City Clerk are authorized and directed to take all such other actions not inconsistent with this Resolution as necessary or desirable to accomplish the purposes contemplated by this Resolution.

Section 6. Effective Date. This Resolution shall become effective upon its approval and passage by the governing body of the City of Emporia, Kansas.

[Remainder of Page Intentionally Left Blank]

PASSED AND APPROVED by the governing body of the City of Emporia, Kansas on March 4, 2020.

CITY OF EMPORIA, KANSAS

[Seal]

By _____
Danny Giefer, Mayor

ATTEST:

By _____
Kerry Sull, City Clerk

EXCERPT OF MINUTES

The Governing Body of the City of Emporia, Kansas met in regular session at the usual meeting place in the City on March 4, 2020 at 1:30 p.m., with Mayor Danny Giefer presiding, and the following members of the governing body present:

and the following members absent:

Among other business, in accordance with a notice published on February 18, 2020 in the *Emporia Gazette*, and a notice to the County Clerk of Lyon County, Kansas and the Clerk of the Board of Education of Unified School District No. 253 mailed via certified mail, return receipt requested on February 18, 2020, a public hearing was convened by the governing body relating to the granting of a tax exemption for property financed and relating to the issuance by the City of Emporia, Kansas of its Industrial Revenue Bonds in the principal amount of not to exceed \$4,750,000 (the "Bonds") for the purpose of financing costs incurred in connection with purchasing, acquiring, constructing, furnishing and equipping (1) a mixed use building to be known as the Roosevelt Plaza & Lofts, consisting of 1 or 2 commercial suites and seventeen (17) loft style apartments, totaling an estimated 17,571 square feet, at 1102 Commercial Street; and (2) a three story building to be known as The Legacy Lofts, consisting of thirty (30) loft style apartments, totaling an estimated 23,265 square feet, at 1105 Mechanic Street (collectively, the "Project").

All interested persons were given an opportunity to present their views on the Project and the granting of the tax exemption. After the public hearing and presentation of the required Cost Benefit Analysis dated February 19, 2020, which included an analysis of the proposed effect on state revenues with respect to the granting of an ad valorem property tax exemption for the Project, the public hearing was closed.

A resolution was presented entitled:

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS APPROVING AN AD VALOREM PROPERTY TAX EXEMPTION FOR PROPERTY ACQUIRED WITH THE PROCEEDS OF CERTAIN INDUSTRIAL REVENUE BONDS AND AMENDING RESOLUTION NO. 3604 OF THE CITY.

The Resolution was considered and discussed, and on motion of _____, seconded by _____, the Resolution was adopted by vote of the majority of all members present.

The Resolution was assigned No. ____.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I certify that the foregoing is a true and correct Excerpt of Minutes of the March 4, 2020 meeting of the governing body of the City of Emporia, Kansas.

[Seal]

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: March 4, 2020

ITEM NUMBER: 13

SUBJECT: Consider Ordinance No. 20-06 an Ordinance authorizing the tax exemption of the real property improvements associated with the 2018-19 business expansion of Cargill, Inc.

RECOMMENDATION: Approval of the Ordinance.

BACKGROUND SUMMARY:

The City Commission has previously approved an "Incentive Compliance Agreement" to exempt property taxes on the 2018-19 real property improvements associated with the Cargill, Inc. business expansion. The "Incentive Compliance Agreement" provided for a ten-year property tax exemption on the real property associated with the expansion. Cargill, Inc. has completed the expansion project and met the criteria that was established by the City Commission in the "Incentive Compliance Agreement." A copy of the "Public Notice" is included for your review.

NOTICE OF HEARING ON EXEMPTION OF CERTAIN PROPERTY FROM TAXATION FOR ECONOMIC DEVELOPMENT PURPOSES

The Governing Body of Emporia, Kansas, will meet on March 4, 2020, at 1:40 p.m. in the City Commission Chambers, Civic Building, 522 Mechanic, Emporia, Kansas, for the purpose of hearing a request by Cargill, Incorporated, 841 Graphic Arts Road, Emporia, Kansas, for an exemption from taxation for the real property expenses associated with the 2018-19 business expansion. The total real property expense associated with the 2018-19 business expansion was \$4,500,000.00. The Governing Body will consider a request for a 10-year property tax exemption on the real property improvements associated with the expansion. Detailed information is available at the City Manager's office. For further information, please contact Mark McAnarney, City Manager, 522 Mechanic, Emporia, Kansas 66801 or (620) 343-4252. Oral and written comments will be recorded and become a part of the City of Emporia, Kansas Official Record.

Reasonable accommodations are available for persons needing assistance. Requests for accommodation should be submitted to Mark McAnarney, City Manager, 522 Mechanic Street, Emporia, Kansas 66801 or (620) 343-4252 by March 4, 2020.

Kerry Sull, City Clerk

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

ORDINANCE NO. 20-06

AN ORDINANCE EXEMPTING CERTAIN PROPERTY FROM AD VALOREM TAXATION FOR ECONOMIC DEVELOPMENT PURPOSES IN EMPORIA, LYON COUNTY, KANSAS.

BE IT ORDAINED, by the Governing Body of the City of Emporia, Kansas:

SECTION ONE: In accordance with Section 13 of Article 11 of the Kansas Constitution, the following property, commonly referred to as the 2018-19 business expansion to Cargill, Inc. is hereby exempted from ad valorem taxation as follows: Real Property for a term of ten (10) calendar years. Said property is located on a tract of land described as follows:

PARCEL 1

A TRACT OF LAND IN INDUSTRIAL PARK NO. 2, EMPORIA, KANSAS, LOCATED IN THE SE1/4 OF SECTION 7, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT LOCATED 1779.15 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SECTION 7; THENCE WEST PARALLEL TO THE SOUTH LINE OF SAID SECTION 7 FOR A DISTANCE OF 425.02 FEET; THENCE SOUTH PARALLEL TO THE EAST LINE OF SAID SECTION 7 FOR A DISTANCE OF 900 FEET; THENCE EAST PARALLEL TO THE SOUTH LINE OF SAID SECTION 7 FOR A DISTANCE OF 425.02 FEET; THENCE NORTH ALONG THE EAST LINE OF SAID SECTION 7 FOR A DISTANCE OF 900 FEET TO THE POINT OF BEGINNING. SUBJECT HOWEVER TO A STREET RIGHT OF WAY AND RAILROAD EASEMENT ALONG THE ENTIRE EAST 65.02 FEET THEREOF.

AND

PARCEL 2

EASEMENT FOR THE BENEFIT OF PARCEL A AS CREATED BY DEED DATED MARCH 13, 1979, AND RECORDED MARCH 29, 1979, IN BOOK 356, PAGE 553, FOR A PERMANENT EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN, REPAIR AND REMOVE RAILROAD TRACKS FOR SWITCHING PURPOSES ONLY OVER AND UPON THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE COUNTY OF LYON, TO WIT: BEGINNING AT A POINT LOCATED 1779.15 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SECTION 7; THENCE NORTH ALONG THE EAST LINE OF SAID SECTION 7 A DISTANCE OF 220.09 FEET; THENCE WEST PARALLEL TO THE NORTH LINE OF PARCEL 1 A DISTANCE OF 65.02 FEET; THENCE IN A SOUTHWESTERLY DIRECTION TO A POINT IN THE NORTH LINE OF PARCEL 1, WHICH POINT IS 110.02 FEET WEST OF THE POINT OF BEGINNING; THENCE EAST 110.02 FEET ALONG THE NORTH BOUNDARY OF PARCEL 1 TO THE POINT OF BEGINNING.

AND

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., CITY OF EMPORIA, LYON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SE1/4; THENCE N00°06'15"W ON AN ASSUMED BEARING ALONG THE EAST LINE OF SAID SE1/4 FOR A DISTANCE OF 879.15 FEET; THENCE S88°34'43"W ALONG AN EXTENSION OF THE NORTH LINE OF OAKES DRIVE FOR A DISTANCE OF 425.02 FEET TO THE SOUTHWEST CORNER OF THE BEHNKEN TRACT RECORDED IN BOOK 472 AT PAGE 865, AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING S88°34'43"W ALONG THE NORTH LINE OF OAKES DRIVE FOR A DISTANCE OF 431.19 FEET TO A POINT ON THE EAST LINE OF SAID KANSA TRACT RECORDED IN BOOK 454 AT PAGE 345; THENCE N00°06'15"W ALONG THE EAST LINE OF SAID KANSA TRACT FOR A DISTANCE OF 600.00 FEET TO THE NORTHEAST CORNER OF SAID KANSAS TRACT; THENCE N88°34'43"E ALONG THE SOUTH LINE OF THE THOMAS TRANSFER AND STORAGE TRACT RECORDED IN BOOK 394 AT PAGE 269 FOR A DISTANCE OF 431.19 FEET TO A POINT ON THE WEST LINE OF SAID BEHNKEN TRACT; THENCE S00°06'15"E ALONG THE WEST LINE OF SAID BEHNKEN TRACT FOR A DISTANCE OF 600.00 FEET TO THE TRUE POINT OF BEGINNING.

More Commonly known as: 841 Graphic Arts Road.

Real Property	Cost	Completion Date
2018-19 Building Addition	\$4,500,000.00	November of 2019
REAL PROPERTY TOTAL	\$4,500,000.00	

SECTION TWO: The City and the owner will execute an agreement for each year that the tax exemption for economic development is appropriate as a condition precedent to the annual exemption. In the event that such an agreement is not executed by the parties, the exemption as set forth in this Ordinance is automatically hereby canceled, nullified, and set aside without further action by this Governing Body.

SECTION THREE: A certified copy of this Ordinance shall be provided to the owner of the property and to the Appraiser, Clerk, and Treasurer of Lyon County, Kansas.

SECTION FOUR: The City of Emporia has adopted Uniform Policies and Procedures for granting tax exemptions.

SECTION FIVE: The City of Emporia has completed a Cost-Benefit Analysis and its effect on state revenues on the request for property tax exemption by Cargill, Inc.

SECTION SIX: The City has provided notice of the "Public Hearing" for the Cargill, Inc. tax exemption request. The "Public Hearing" notice was published in The Emporia Gazette on February 24, 2020. U.S.D. #253 and Lyon County were notified of the "Public Hearing" by delivery on February 25, 2020.

SECTION SEVEN: The Governing Body of the City of Emporia, Kansas, after conducting a public hearing pursuant to published notice as provided by law, has determined that property belonging to Cargill, Inc. is used exclusively in manufacturing articles of commerce and storing goods used in interstate commerce and should be granted tax exemption for economic development purposes. The City has determined that Cargill, Inc. is engaged in manufacturing articles of commerce and storing goods used in interstate commerce. The City has approved the request for property tax exemption on the real property purchased in conjunction with the expansion of Cargill, Inc. in Emporia, Kansas. Cargill, Inc. has agreed to create approximately a minimum of ten new jobs with an increase in company annual payroll of not less than \$330,000.00.

SECTION EIGHT: The City has determined that the approval of this exemption is necessary to create and retain jobs in Emporia, Kansas. The City has approved the 10-year real property tax exemption for the tax years 2020-2029.

SECTION NINE: The City Clerk shall cause this Ordinance to be published one (1) time in the official newspaper and that this Ordinance shall take effect and be in force from and after its adoption and publication in the official City newspaper.

PASSED AND ORDAINED by the Governing Body of Emporia, Kansas this 4th day of March of 2020.

Danny Giefer, Mayor

ATTEST:

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: March 4, 2020

ITEM NUMBER: 14

SUBJECT: Report from the City Manager on City Activities

RECOMMENDATION: This is a verbal report that announces upcoming events, recognizes employees for outstanding contributions and provides the public with information that may be of general interest.

BACKGROUND SUMMARY: This is an opportunity to present information to the public that may not be reported in other news accounts or City activities or to highlight accomplishments of the organization.

At the time this Agenda was prepared, the following items were in the works:

Tentative Agenda for March 11th Study Session

- Update on Commission Goals
- Review of Downtown Parking Enforcement.
- Discuss Sidewalk Plan at Peter Pan Park.
- Discuss Micro Distillery
- Kansas Free for Arts/Halfway to Everywhere Festival.

Joint Luncheon w/MUPP Board

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: March 4, 2020

ITEM NUMBER: 15

SUBJECT: City Commissioners Reports and Comments

RECOMMENDATION:

BACKGROUND SUMMARY:

This is a time for the City Commissioners to make comments and reports to the Public.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

COMMISSION MEETING**7:00 P.M.****FEBRUARY 19, 2020**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, February 19, 2020, in the City Commission Meeting Room with Mayor Giefer presiding and Commissioners Brinkman, Geitz, Gilligan and Smith present. Also present were City Manager McAnarney, Assistant City Manager Massey, Deputy City Clerk Bryson and City Attorney Montgomery. City Clerk Sull was absent.

MAYOR AND CITY COMMISSIONERS REPORTS AND COMMENTS

This is the time for the Mayor and City Commissioners to make comments and reports to the public. **The following is general information for the month of December for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2019	2020	Decrease of \$20,287.98 for the month, and
	\$425,242.50	\$395,954.52	Overall decrease of 6.89% from year 2019
YTD	\$ 425,242.50	\$ 395,954.52	

2. City Share from County Tax

	2019	2020	Decrease of \$5,119.58 for month, and
	\$ 210,316.85	\$205,197.27	Overall decrease of 2.43% from year 2019
YTD	\$ 210,318.85	\$ 205,197.27	

3. Building Permits issued from 1/1/2020 to 1/31/2020 for new construction, remodeling, repairs and demolition.

Total number of building permits issued through Code Services:	28
Total of valuations associated with those building permits:	\$1,536,013.00
Total number of dollars collected for Building Permit Fees:	\$ 5,823.26
Construct - single family dwellings	0
Demo - single family dwellings	0

Flint Hills Mall CID for January	\$ 18,905.60
Year to Date Total	\$ 18,905.60

Consent Agenda

It was moved by Commissioner Gilligan, seconded by Commissioner Geitz that the Consent Agenda listed below be ratified as a whole:

- a. Consider minutes of the Regular Meeting held on February 5, 2020.
- b. Consider ratification of Payroll Ordinance for the period ending on January 31, 2020.
- c. Consider Set Bid Date and Time for One New Solid Waste Truck.
- d. Consider Set Bid Date and Time to Receive Bids for New Police

Vehicles.

- e. Consider Set Bid Date and Time to Receive Bids for the 2020 Sidewalk Improvements Project NO. 19pathg.
- f. Consider Change Order No. 1 for the 6th Avenue Water Main Improvement Project No. WM1901.

The vote follows: Commissioner Gilligan, aye; Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

CITY COMMISSION
(Public Comment)

This is the time for the public to make comments. No comments were made at this time.

Jack Taylor, Fire Chief, was recognized and addressed the Governing Body. He stated last Wednesday morning there was an incident involving a turned over school bus on the turnpike. There were 36 5th grade students, bus driver, chaperone, and 2 school teachers were on the bus. He then reviewed the events of the incident and the many other individuals and agencies involved in treatment, transportation, help and caring for all the students and adults that were on the bus. Those involved were as follows:

Emporia Fire/EMS Department
Dispatchers from Lyon County Emergency Communication Center
Lyon County Sheriff Deputies
KHP Troopers
Jerrold Fell, Lyon County Emergency Management
KDOT Turnpike Crews
Butler County EMS
LifeSave
Williams Towing
Emporia High School
USD #253 Transportation
Newman Regional Health

Because of the teamwork that took place and the relationships that have been established over long period of time and the work that they have done together went exceptionally well. He made special recognition to his staff

for being boots on the ground for this incident and the many other agencies and individuals who were involved with this incident.

The Commission commended the Fire/EMS Department for a job well done.

CITY COMMISSION
(Permitting the Sale and consumption of Alcohol)
(City Parking Lot at 4th and Commercial St.)
(St. Patrick's Day Parade Event)
(Ordinance Number 20-05)

AN ORDINANCE EXEMPTING THE PARKING LOT NEXT TO 405 COMMERCIAL STREET IN THE CITY OF EMPORIA, KANSAS, FROM THE PROHIBITION ON THE CONSUMPTION OF ALCOHOLIC BEVERAGES, to which the City Clerk assigned Ordinance Number 20-05, was presented to the Governing Body for their consideration.

Jim Lauer, owner of Town Royal, was recognized and addressed the Governing Body. He stated he was requesting permission to host a beer garden in connection with the celebration of St. Patrick's Day in the parking lot adjacent to the Town Royal at 405 Commercial, on March 14, 2020 between 10:00 a.m. and 1:30 a.m. This event is the same as in previous years.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated the beer garden will be enclosed by city fencing in a location approved by the Interim Chief of Police and the applicant is required to meet city and state requirements for alcohol sales.

Commissioner Smith made a motion to approve Ordinance Number 20-05, an exempting the parking lot next to 405 Commercial from the prohibition on the consumption of alcohol for the St. Patrick's Day Beer Garden. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

ENGINEERING
(Downtown Sanitary Sewer System Improvements Project NO. SS1803)
(CDBG Project 18-PF-005 Sanitary Sewer Relining Project)
(Consider Contract Amendment Request for Time Extension)

Bruce Boettcher, representing BG Consultants, was recognized and

addressed the Governing Body. He stated the City's Sanitary System Improvements project has been delayed. The engineers on the project have cited unseasonable wet and cold weather that has saturated the ground preventing efficiency and causing delays in the project. The City has implemented a sewer relining project in the downtown area. The project will help significantly improve the downtown infrastructure and should add another 30-50 years of life to the sewer system in this area. The relining will also reduce ground water infiltration and help reduce the storm water from flowing into the sanitary sewer system. These improvements will continue to be beneficial as the downtown continues to grow and add residential living. Due to the weather delays, it is recommended that a Contract Amendment Request to the Kansas Department of Commerce for a time extension for six (6) months be submitted. He stated this time extension will allow the contract to complete construction and allow monitoring and close out of the grant project.

Following further discussion, Commissioner Brinkman made a motion authorizing the Mayor and staff to submit a Contract Amendment Request to the Kansas Department of Commerce for a time extension. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Gilligan, aye; Commissioner Geitz, aye; Commissioner Smith aye; and Mayor Giefer, aye.

ENGINEERING
(Agreement with Kansas Department of Transportation)
(Federal Fund Exchange Program)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the Kansas Department of Transportation allows a city to exchange the annual allocation of Federal Funds for use by the City on City street projects. This enables the City to use a more streamline process for project development. The agreement defines the current "Exchange Rate" at 90% of State Funds for 100% of local federal obligation authority for project costs. The City utilizes this funding source for the asphalt overlay and street maintenance on Merchant Street, Kansas Avenue to 12th Avenue and Industrial Road, 6th Avenue to I-35, in 2018. The current amount

of federal funding allocated to Emporia is \$520,669.11, for project to be determined for use of the funds. He stated staff is recommending authorizing the Mayor to approve and sign the Federal-Aid Fund Exchange Master Agreement. He stated staff was recommending the Mayor be authorized to approve and sign the Federal-Aid Fund Exchange Master Agreement.

Commissioner Smith made a motion authorizing the Mayor to approve and sign the Federal-Aid Fund Exchange Master Agreement. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

HOUSING

**(Kansas Department of Commerce CDBG Program)
(Small Cities Community Development Block Grant-CDBG)
(Accept \$300,000 Housing Rehabilitation Grant)**

Jeff Lynch, Community Development Coordinator, was recognized and addressed the Governing Body. He stated the City has been awarded a grant for \$300,000 through the Kansas Department of Commerce Small Cities Community Development Block Grant (CDBG) Program to rehabilitate approximately 14 single family homes occupied by residents with low to moderate income. The target area will be just northeast of Peter Pan Park bounded by South Avenue, Commercial Street, Kansas Avenue and State Street.

Commissioner Smith made a motion accepting a \$300,000 housing rehabilitation grant from the Kansas Department of Commerce CDBG Program and authorize the Mayor to sign a contract and all other associated documents. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

CITY COMMISSION

**(Authorizing Application for USDA Rural Business Development Grant RBDG)
(Resolution Number 3626)**

City Manager McAnarney stated late last week, Commissioner Gilligan sent information for an opportunity to apply for an USDA Rural Business

Development Grant (RBDG). He stated this project would fall under the THINK Emporia program that is in development. The City could apply for up to \$100,000 grant with a \$30,000 match.

Casey Woods, representing Emporia Main Street, was recognized and addressed the Governing Body. He stated this grant is designed to assist startup, expansion and continuation of small and emerging businesses in rural communities. If approved, grant funds would be used to acquire technology for an Innovation and Prototyping Lab to help entrepreneurs and inventors to move from concept to market. The Lab will be available for build-out and will be available to service individuals within the region with resources and tools to develop rapid-prototype design and build for further analysis and marketing ability. The Lab will also serve as an expanded resource that can be used by local manufacturers and educational research groups in the region.

Following further discussion, Commissioner Smith made a motion authorizing Resolution Number 3626, a resolution authorizing preparation and submittal of a United States Department of Agriculture (USDA) Rural Business Development Grant (RBDG) application. Commissioner Geitz seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

**CITY COMMISSION
(Riverside Addition)
(Establish Rural Housing Incentive District)
(Resolution Number 3627)**

Jim Witt, Special Project Manager, was recognized and addressed the Governing Body. He stated this resolution establishes a hearing date of April 1, 2020 for the establishment of the Riverside RHID District and includes the state required development plan as required by state statute. He stated other requirements of the statute will be completed once the resolution is passed by the Commission. The project plat has been approved by the Planning Commission and City Commission. The subdivision consists of 11 single family lots just south of Riverside Elementary. Contact

regarding the development of this area and its designation as an RHID has been made with other taxing entities.

Following further discussion, Commissioner Smith made a motion approving Resolution Number 3627 establishing a hearing date for the Riverside Rural Housing Incentive District. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

**PARK DEPARTMENT
(Amend Regulations for Fishing)
(Jones Youth Park and Peter Pan Park)**

City Manager McAnarney stated the Commission recently heard a presentation from Carson Cox, Kansas Parks and Wildlife Fisheries Biologist, on recommending changing the fishing rules and regulations for Jones Youth Park and Peter Pan Park. The recommended changes are as follows:

1. The Youth Mentoring Fishing Program would be implemented in Jones Park. Currently there are three ponds in Jones Youth Park that are utilized for fishing. Under the Youth Mentoring Program, adults would be allowed to fish in the three ponds only if they were accompanied by a youth age 16 or under. The goal of the Youth Mentoring Program is to encourage youth to explore the outdoors and fish in the ponds. This change would also allow Fish and Game to issue tickets for offenses which would take them out of Emporia Municipal Court. Kansas Parks and Wildlife would be responsible for installing the new signage in Jones Youth Park.
2. It was also recommended the rules and regulations be changed to prohibit cast nets and seining in the ponds in both Jones Youth Park and Peter Pan Park. The removal of large numbers of bait fish makes the fish population out of balance and fish grow slower.
3. It was also recommended individuals could contact Kansas Parks and Wildlife in order to use cast nets or seining nets in the ponds for educational purposes.
4. The proposed changes will be reviewed by Kansas Parks and Wildlife and would go into effect on January 1, 2021.

He stated these park ponds are under jurisdiction of the State of Kansas for regulations on fishing. The City may recommend changes at any time for

consideration by the State of Kansas for the following calendar year. Only a vote is required from the City Commission.

Commissioner Smith made a motion recommending changes to the rules and regulations for fishing Jones Youth Park and Peter Pan Park as stated. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

**CITY COMMISSION
(City Manager's Report)**

This is a verbal report that announces upcoming events, recognizes employees for outstanding contribution and provides the public information that may be of a general interest. The following information was presented at the meeting:

At the time this Agenda was prepared, the following items were in the works:

TENTATIVE AGENDA FOR FEBRUARY 26TH STUDY SESSION

Year End Review
Lift Stations Discussion
Update and List for Alley Maintenance
Discuss Sidewalk Plan at Peter Pan Park
Discuss New Downtown Holiday Decorations

1st Quarterly Joint City/County Luncheon

EXECUTIVE SESSION

Commissioner Gilligan made a motion to adjourn into Executive Session to discuss proprietary information of private businesses considering expansion into the City of Emporia from 7:35 p.m. to 7:50 p.m., in the City Conference Room. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

Upon reconvening the meeting in Regular Session, a 7:50 p.m., this same date, in the City Conference Room, Mayor Giefer stated they had discussed proprietary information of private businesses considering expansion into the City of Emporia and no action was taken.

Commissioner Smith then made a motion to adjourn. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

Danny Giefer, Mayor

ATTEST:

Kerry Sull, City Clerk